

PR60351USw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Britton et al.

Serial No.: 10/565,296

Filing Date: July 27, 2004

Art Unit: Unknown Examiner: Unknown

Title: Cycloalkylidene Compounds As Modulators of Estrogen Receptor

Assistant Commissioner for Patents
Mail Stop PCT
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO DECISION ON PETITION UNDER 37 C.F.R. § 1.47

Applicants previously submitted a Petition Under 37 CFR 1.47 to request that the USPTO recognize co-inventor Jonathan Britton as an unavailable inventor under 37 U.S.C. §116. Applicants' Petition was denied by Decision on Petition dated 7 June 2006,

After renewed efforts, co-inventor Britton has been located. Mr. Britton has now executed a combined Declaration and Power of Attorney for the instant Application. Said Declaration is submitted concurrently with this Response.

The Decision on Petition also questioned the spelling of co-inventor Katamreddy's name. The name of co-inventor Katamreddy was initially misspelled during the international application. The spelling was corrected during prosecution of the international application (see attached copy of PCT Notification of the Recording of a Change). Co-inventor Katamreddy was identified correctly in publication WO2005/012220A3 (see copy of cover page attached). Applicant submits that KATAMREDDY is the correct spelling of the co-inventor's name and that that spelling should have transferred to the U.S. national stage application.

In view of co-inventor Britton's Declaration and the corrected spelling of co-inventor Katamreddy's name, Applicants respectfully request that the pending Petition

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under 37 C.F.R. 1.47 be withdrawn, and that the Application be found in condition for substantive examination.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

If additional information is needed, please contact Applicants' agent as detailed below for expedited handling.

Respectfully submitted,



J. Scott Young
USPTO Reg. No. 45,582

Date: Sep 7 2006
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Durham, NC 27709
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PATENT COOPERATION TREATY

MAR 07 2005

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PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

Date of mailing (day/month/year) 01 March 2005 (01.03.2005)
Applicant's or agent's file reference PR60351WO
International application No. PCT/US2004/024308

From the INTERNATIONAL BUREAU

To:

LEVY, David, J.
GlaxoSmithKline
Five Moore Drive
P.O. Box 13398
Research Triangle Park, NC 27709
United States of America

1. The following indications appeared on record concerning:				
<input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative				
Name and Address KALAMREDDY, Subba, Reddy GlaxoSmithKline Five Moore Drive P.O. Box 13398 Research Triangle Park, NC 27709 United States of America	State of Nationality		State of Residence	
	IN		US	
	Telephone No.			
	Facsimile No.			
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:				
<input type="checkbox"/> the person <input checked="" type="checkbox"/> the name <input type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence				
Name and Address KATAMREDDY, Subba, Reddy GlaxoSmithKline Five Moore Drive P.O. Box 13398 Research Triangle Park, NC 27709 United States of America	State of Nationality		State of Residence	
	IN		US	
	Telephone No.			
	Facsimile No.			
3. Further observations, if necessary:				
4. A copy of this notification has been sent to:				
<input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the International Searching Authority <input type="checkbox"/> the International Preliminary Examining Authority		<input checked="" type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the elected Offices concerned <input type="checkbox"/> other:		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.87.20	Authorized officer Catherine MARQUIS (Fax 338-87-20) Telephone No. (41-22) 338 9142
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(81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

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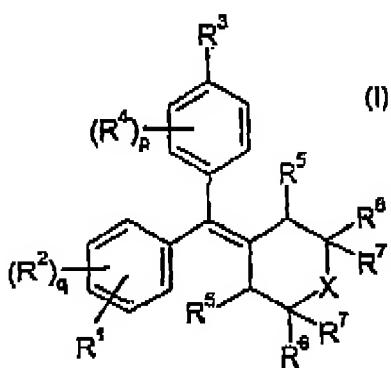
- with international search report
- before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments

(88) Date of publication of the international search report: 24 March 2005

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: CYCLOALKYLIDENE COMPOUNDS AS MODULATORS OF ESTROGEN RECEPTOR

WO 2005/012220 A3



(57) Abstract: The present invention relates to novel compounds with a variety of therapeutic uses, more particularly novel substituted cyclic alkylidene compounds that are particularly useful for selective estrogen receptor modulation. Formula (I) including salts, solvates, and pharmacologically functional derivatives thereof wherein R¹ is OH; each of R² and R⁴ independently are selected from OH, alkyl, or halogen; each of p and q independently are selected from 0, 1, or 2; R³ is -(Y)_z-R⁶; z is 0 or 1; Y is -C=C- or CR⁶=CR¹-; X is -(CH₂)_n- where n is 0, 1, 2, or 3, -C(R⁹)₂-, -O-, or -S-.